

Town Council Meeting: 14 July 2008



Town of Garrett Park
PO Box 84
4600 Waverly Avenue
Garrett Park, MD 20896

Regular Meeting of Town Council
Garrett Park Town Hall
10814 Kenilworth Avenue
Garrett Park, MD 20896

MINUTES

Meeting Call to Order: Mayor Keller called the meeting to order at 8:05 PM. Present were Councilmembers Berry, Hansen, Irons, Mandel, and Wegner. Also present was Administrator Pratt, Setback Advisory Committee (SAC) Chair Harry Gordon, Rich Folkers of the *Bugle*, Henri Keller, Michael Colella, and a few Town residents.

Approval of Agenda: Mayor Keller asked that withdrawing consideration of the minutes of the 01/23/08 and 06/06/2008 meetings modify the posted agenda, as their review was not completed. The revised agenda was adopted without objection. The Mayor then turned the floor over to Councilmember Irons to convene the public hearing.

Public Hearings:

- Variance (Continued from 06/09/08 Meeting): 4711 Oxford St. - Colella: Relief from Section 402(b)(1) Setback from Street - Councilmember Irons called the hearing to order and noted that the hearing had been postponed from the June meeting in order to give the applicant time to consult with the SAC. Councilmember Irons then asked SAC Chair Gordon to present the committee's report to the Council, which he did. (A copy of the SAC report is Attachment #1 to these minutes)

Members of the Council discussed the report with Mr. Gordon. Councilmember Irons asked if Mr. Colella had contacted Mr. Gordon. Mr. Gordon replied that he had not been contacted.

Councilmember Irons invited Mr. Colella to speak. Mr. Colella asked that the Council grant him a further continuance so that he could consider legal and design issues. Councilmember Berry asked Mr. Colella why he did not wish to withdraw his application since it might take some time to resolve the various issues that confronted his application. Mr. Colella responded that he did not want to withdraw the application at this time.

Councilmember Irons **MOVED**

That the public hearing on Mr. Colella's application for a variance be continued to the September meeting. Councilmember Mandel seconded the motion, which was **PASSED** unanimously.

Presentations by Residents: Henri Keller reminded the Council of the Film Society's screening of the movie *East Is East* on Friday, with the dinner starting at 7:15 PM and the movie at 8:00 PM.

Mayor's Report:

- Mayor Keller briefed the Council on the Annual Maryland Municipal League (MML) Conference in Ocean City, MD that he had attended in late July.
- The Mayor noted that a date for the Council's organizational meeting had yet to be set and that he would be circulating potential dates to Councilmembers by email.
- Mayor Keller reported on the meeting that he and Councilmember Wegner had had with Maryland-National Capital Park and Planning Commission (M-NCPPC) Chair Royce Hansen regarding the future of the Garrett Park Recreation Center used by the Garrett Park Nursery School, noting that all parties had expressed the desire to work together to create a mutually acceptable solution, that by the close of 2008 it was hoped to have some specific proposals for more detailed consideration, and that to this end a future meeting with Dr. Thomas Hench of M-NCPPC would be set up.
- Mayor Keller reminded the Council that the Town's oldest resident, Donal McLaughlin, would celebrate his 101st birthday on Saturday the 26th, and that all residents were invited to the corner of Oxford and Weymouth Streets at 5:00 PM that day to join in a celebration.

Councilmember's Reports on Areas of Responsibility:

- Councilmember Berry updated the Council on the status of the Cambria Park project; reporting that he was working with the Town's engineers, VIEW Engineering, and the contractor, NZI, to resolve the problem with the drain grate along the pathway from upper Cambria Avenue to the pool. Councilmember Berry asked Administrator Pratt about the status of the MD Department of Natural Resources (MD DNR) Program Open Space (POS) grant. Administrator Pratt stated that he expected to file for payment of the POS grant towards the end of August.
- Councilmember Irons reported that two residents had expressed interest in joining the Historic Preservation Committee (HPC) and that the committee would be dealing with filling the vacancy at its September meeting.
- Councilmember Hansen reported that the Arboretum Committee had met and was working on a number of issues, including website development, the fall pruning list, and improving the tree removal process.
- Councilmember Wegner reported that NZI had completed the roadwork, and that backfilling of the new curbs would be dealt with under a change order as it had been left out of the original contract.
- Councilmember Mandel reported that there had been preliminary discussion with a contractor who lived in Town about work on projects that exceed the capacity of Town staff. Councilmember Mandel also noted that

he would try to attend the up-coming White Flint Advisory Committee meeting to learn more about the status of the development planned for the area.

Approval of Minutes:

- Councilmember Mandel **MOVED**

That the minutes of the 04/14/2008 Regular Council Meeting, including Opinion on Application for Variance at 4704 Clyde Avenue (Application #020708-VA01) be approved with minor corrections. Councilmember Wegner seconded the motion, which **PASSED** unanimously.

- Councilmember Berry **MOVED**

That the minutes of the 06/30/2008 Special Council Meeting be approved with corrections. The motion was seconded by Councilmember Irons and was **PASSED** unanimously.

Town Administrator Report:

- Monthly Financial Report - Administrator Pratt reviewed the status of the annual audit, noting that the June monthly report was also the year-end report, and the report would be distributed as soon as the FY 2008 payables and receivables were cleared.

Adjournment: The meeting adjourned at 9:45 PM

Respectfully submitted,

[TOWN SEAL]

Edwin Pratt, Jr

Edwin Pratt, Jr., Clerk-Treasurer

Attachment #1

4711 Oxford Street Variance Request - SAC Report

Background

A variance has been requested to replace an existing, uncovered front porch with a larger, covered front porch that is closer to the front property line along Oxford St than permitted by the GP ordinances. The referenced property is a corner lot at the intersection of Oxford St and Kenilworth Ave. As such, the front setback requirement is applicable on these two sides of this lot.

At the Town Council meeting held on 9 June 2008, a preliminary hearing was held to consider the variance request. Since the variance could not be granted, the Town Council asked the applicant to work with the Setback Committee to make a proposal that could be considered at the July meeting. The applicant has not contacted the Setback Committee since the June meeting and no revised proposal has been received from the applicant.

Analysis

There is an existing uncovered front porch and steps that are to be replaced; this porch and steps are approximately 36 SF and are about 8 feet from the front property line. The proposed 5' x 10' front porch, plus steps of about 3' x 5' SF, would be about 29 SF larger than the existing porch and steps. It would also be about one foot closer to the front property line, and would be covered.

There are two issues that need to be considered in this variance request:

1. Lot coverage, and
2. Minimum front setback

1. Lot Coverage

The lot is 50 feet x 200 feet, giving a lot area of 10,000 SF. The applicant was unable to provide a drawing with correct dimensions, so the Setback Committee made field measurements to determine the existing lot coverage of the main and accessory buildings. Based on these field measurements, we concluded that the existing main building is 1,953.6 SF, which results in 19.5% lot coverage on this 10,000 SF lot. There is also an accessory building that is 102 SF. This gives a total for the existing buildings of 2,055.6 SF, which results in lot coverage for the existing main plus accessory buildings of 20.6%. Based on GP ordinance 402(c)(1.2.2), when considering a variance, the net lot area to be covered by all buildings, including accessory buildings, shall not exceed 20% of the net lot area. The Setback Committee has

concluded that it is not possible for the Town Council to grant a variance that would increase the lot coverage, even by the slight amount proposed by the applicant for an expanded front porch.

2. Minimum Front Setback

Under current zoning regulations in Montgomery County and Garrett Park, corner lots have a front setback requirement on each of the two sides that face the two streets. The minimum front setback is 30 feet but may be greater if the established building line of adjacent properties is more than 30 feet. GP ordinance 402(b)(1.3) provides that open porches that are added to existing structures may extend up to eight feet beyond the established or required building line. In this case, that would permit the porch to extend to within 22 feet of the front property line. However the existing building is only 15 feet from the front property line along Oxford Street and the proposed porch and steps would be closer to the front property line.

Conclusions

The lot coverage of the existing main and accessory buildings already exceeds the 20% lot coverage, which is the maximum that would be allowed even if a variance were granted, and the minimum front setback would not be maintained by the proposed construction,

The Setback Advisory Committee believes that the Garrett Park ordinances do not enable the Town to grant a variance based on the original materials that were submitted. The applicant has not made any revisions to the original proposal, as recommended by the Town Council in their June meeting.

Therefore the Committee recommends that this variance be denied.

Respectfully submitted,

Harry T. Gordon, FAIA, LEED AP
Chairman, GP Setback Advisory Committee